

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

PAUL MALONE, SR. and FAITH)	
LANIER MALONE,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION FILE
)	NO. 1:14-cv-00193-WLS
)	
BANK OF AMERICA, N.A., et al.,))	
)	
Defendants.)	
_____)	

CONSENT ORDER

WHEREAS, Defendants Federal Home Loan Mortgage Corporation ("Freddie Mac"), Bank of America, N.A. ("BANA") and Plaintiffs Paul and Faith Malone ("Plaintiffs") (collectively, the "Parties"), by and through their undersigned counsel, have agreed and consented that the foreclosure sale that occurred on September 3, 2013, involving the real property commonly known as 2700 Wilton Court, Albany, Georgia 31721 (the "Property") be and is hereby rescinded.

The property is more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE
COUNTY OF DOUGHERTY, STATE OF GEORGIA, AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOT 65 IN DOUBLEGATE SUBDIVISION, SECTION III,
ACCORDING TO A MAP OR PLAT OF SAID SUBDIVISION RECORDED
IN PLAT BOOK 5, PAGE 71, IN THE OFFICE OF THE CLERK OF
SUPERIOR COURT OF DOUGHERTY COUNTY, GEORGIA

FOR INFORMATIONAL PURPOSES ONLY: THE APN IS SHOWN BY THE
COUNTY TAX ASSESSOR AS 005-2/00000/065; SOURCE OF TITLE IS
BOOK 678, PAGE 735 (RECORDED 07/13/81)

WHEREAS, the Parties further agree and consent that the Deed Under Power recorded on October 23, 2013, at Deed Book 4072, Page 31, Dougherty County, Georgia Records (the “Deed Under Power”), and the Special Warranty Deed, dated October 8, 2013 from BANA to FEDERAL HOME LOAN MORTGAGE CORPORATION, recorded at Deed Book 4072, Page 34, should both be rescinded and made null and void; and

WHEREAS, the Parties further agree that the Security Deed recorded on September 10, 2007, at Deed Book 3389, Page 310, Dougherty County, Georgia Records (the “Security Deed”), be reinstated of record so that it has full force and effect as a first priority security interest in favor of BANA; and

WHEREAS, the Parties agree that Plaintiffs be declared and established as the current record title owners of the Property, subject to the above reinstated Security Deed.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Deed Under Power recorded on October 23, 2013, at Deed Book 4072, Page 31, and the subsequent Special Warranty Deed dated October 23, 2013, recorded at Deed Book 4072, Page 34, are both hereby rescinded, made void and stricken from the real estate records.

IT IS FURTHER ORDERED AND ADJUDGED that the Security Deed recorded on September 10, 2007, at Deed Book 3389, Page 310, is hereby reinstated of record so that it has full force and effect as a first priority security interest in favor of BANA.

The Clerk of the Superior Court of Dougherty County is hereby ORDERED and DIRECTED to record this Consent Order on the real estate records of Dougherty County, upon payment of the costs for such recording and to cross-reference such recording to that Deed Under Power recorded on October 23, 2013, at Deed Book 4072, Page 31, the Special Warranty Deed

record at Deed Book 4072, Page 34 and the Security Deed recorded on September 10, 2007, at Deed Book 3389, Page 310.

IT IS ALSO AGREED AND IS HEREBY ORDERED that all funds presently held on deposit in the Registry of the Superior Court of Dougherty County in connection with Civil Action File No. 13 CV 2467, being the appeal of the dispossessory action filed in the Magistrate Court of Dougherty County Georgia between the parties which action has been held in abeyance by the instant action except for the ongoing payment of monthly payments into the registry of the court may be immediately disbursed to Counsel for Plaintiffs for distribution according to the terms of the Settlement Agreement previously executed by the parties.

SO ORDERED this _____ day of November, 2017.

Hon. Louis W. Sands
United States District Judge

CONSENTED TO:

/s/ Jarrod S. Mendel
Jarrod S. Mendel, Esquire
Georgia Bar No. 435188
McGuireWoods LLP
1230 Peachtree Street, NE, Suite 2100
Atlanta, Georgia 30309-3534
(404) 443-5724 (Telephone)
jmendel@mcguirewoods.com
Attorneys for Defendant Bank of America, N.A.

/s/ L. Clayton Smith, Jr.
L. Clayton Smith, Jr.
Georgia Bar No. 661310
Christopher Allen Flowers
Georgia Bar No. 308102
Smith & Flowers Law, P.C.
Post Office Box 70875
Albany, GA 31708
(229) 434-1070 (Telephone)
christopherallenflowers@gmail.com
*Attorneys for Plaintiffs Paul Malone, Sr. and
Faith Lanier Malone*